

REMARKS**A. Status of the Application**

- Claims 20-26, 28, 29, 31, 32, 34, 38-43 and 144-180 are pending, of which claims 20, 144 and 162 are independent claims.
- Claim 20-26, 28, 29, 31, 32, 38-40 and 43 are amended.
- Claim 27, 30 and 97-143 are cancelled. Claims 1-19, 33, 35-37, 44-96 were previously cancelled.
- Claim 144-180 are new claims. No new matters have been added.

Accordingly, entry of the amendments is respectfully requested. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

B. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 20 and 98 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. See Office Action., p. 2.

Claim 20 has been amended. Claim 98 has been cancelled. Thus, the rejection is moot in light of these claim amendments. For at least this reason, claim 20 is deemed allowable.

D. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 20-32, 34, 38-43, 97-143 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,724,524 (“Hunt”) in view of U.S. Patent No. 6,088,685 (“Kiron”). The rejections are moot in light of the claim amendments.

1. Certain Limitations are Not Disclosed in the Cited References

In order to establish a *prima facie* case of obviousness of a claimed invention, *all* of the limitations of a claim must be taught or suggested by the prior art. The cited-
portions of Hunt and Kiron neither teach nor suggest the following limitations of independent claims 20, 144 and 162:

receiving... order to buy or sell a financial instrument,
in which the financial instrument represents a movie having
a plurality of stages of development that comprise at least
one pre-release stage and at least one post-release stage;
determining... an imbalance between a quantity of
received buy orders and a quantity of received sell orders
for the financial instrument... [and] determining a demand
for the financial instrument based on the imbalance;

(emphasis added).

In fact, the Examiner concedes that Hunt “fails to explicitly teach the financial instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post-release stage.”

Office Action, p. 3.

Furthermore, neither Hunt nor Kiron teach or suggest an “*imbalance*” between the quantity to buy and sell orders, much less, “*determining a demand for a financial instrument based on the imbalance,*” as recited by independent 20, 144 and 162.

Because the Examiner fails to establish a *prima facie* case of obviousness for independent claims 20, 144 and 162, these claims (and the claims that depend therefrom) should be withdrawn.

E. General Comments on Dependent Claims

Each dependent claim is patentable for at least the same reasons as the independent claim on which it depends. Thus, Applicants believe that it is unnecessary at this time to argue the allowability of each dependent claim individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

F. Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicants hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicants understand that a copy of these communications will be made of record in the application file.

G. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as a concession of any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All communications should be directed to the undersigned at her direct line (857) 413-2056 or e-mail address: rma@cantor.com.

Respectfully submitted,

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